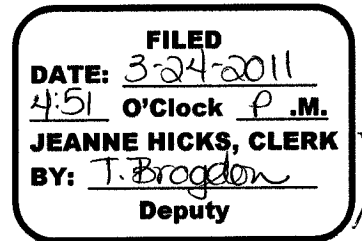


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon, Deputy Clerk

CASE NO. V1300CR201080049

DATE: March 24, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney

Sheila Polk/Bill Hughes,

(Via OnBase)

(For Plaintiff)

(Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly,

(Via electronic mail)

(Co-Counsel for Defendant)

(Defendant)

Luis Li/Brad Brian/Truc Do/Miriam Seifter

MUNGER TOLLES & OLSON LLP,

(Via electronic mail)

(Co-Counsel for Defendant, *Pro Hac Vice*)

HEARING ON:
TRIAL – Day 21

NATURE OF PROCEEDINGS

COURT REPORTER
Mina Hunt

START TIME: 9:08 a.m.

APPEARANCES:

Sheila Polk, Counsel for State
Bill Hughes, Co-Counsel for State
Detective Ross Diskin, Case Agent
James Arthur Ray, Defendant
Tom Kelly, Co-Counsel for Defendant
Luis Li, Co-Counsel for Defendant
Truc Do, Co-Counsel for Defendant
Victim Services Representative

The Court, Counsel, Defendant, and Victim Services Representative are present in the Courtroom. The Jury is not present.

Court and Counsel discuss disclosure issues, Rules of evidence, exhibits, witness testimony and examination, prior Court rulings and Orders, and Brady issues. Counsel argue their positions.

The Court addresses disclosure issues and Rules under 15.1(A)(1), (A)(3), (A)(4), and 15.2(c)(2). The Court advises there must be compliance with the Rules, hearsay cannot be read from a document and should not be read into evidence.

The Court advises testifying or giving content from an exhibit that has not been admitted into evidence must be avoided. The Court clarifies the prior 404B ruling.

Detective Diskin arrives at 9:39 a.m.

~~~Recess~~~

At 9:56 a.m. Court reconvenes, all previously appearing parties and the Jury are present.

Melinda Martin having been previously sworn, resumes testimony.

Exhibits 566, 567, 568, 569, 570, 571, 572, 573 and 574 are offered and admitted into evidence without objection.

The Jury and witness are excused or a recess.

~~~Recess~~~

At 11:24 a.m. Court reconvenes, all previously appearing parties and the Jury are present.

Melinda Martin resumes testimony.

The Jury is reminded of the admonition, Melinda Martin is reminded of the Rule for the exclusion of witnesses and excused for the noon recess.

~~~Noon Recess~~~

At 1:29 p.m. Court reconvenes, all previously appearing parties and Counsel Bill Hughes is present. The Jury is not present.

Court and Counsel discuss witness testimony and examination, and 404B issues. Counsel argue their positions.

Court advises there would need to be limiting instruction again that doesn't warrant anything more than a very brief statement.

~~~Recess~~~

At 1:55 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

Melinda Martin resumes testimony.

Questions for the witness are submitted by the Jury and discussed at sidebar outside of the presence of the Jury on the record.

Witness Melinda Martin is asked and answers questions #1 and #4 submitted by the Jury.

Melinda Martin is reminded of the Rule for the exclusion of witnesses, is excused and exits the Courtroom.

Scott Barratt is sworn and testifies.

The Jury is reminded of the admonition, Scott Barratt is advised of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 3:42 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

Scott Barratt resumes testimony.

The Jury is reminded of the admonition, advised to return on March 25, 2011 at 9:15 a.m., Scott Barratt is reminded of the Rule for the exclusion of witnesses and excused for the evening recess.

The Court stands adjourned for the day.

**END TIME: 4:51 p.m.**

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Coie, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Verde